United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Four Rivers Field Office
3948 Development Avenue
Boise, Idaho 83705-5339

In Reply Refer To:
4130 (ID110)
1101849

August 3, 2015

CERTIFIED MAIL – RETURN RECEIPT REQUESTED - 7011 2970 0002 6304 3904

David E. Owen, Jr.
1959 SE Ross Road
Glenns Ferry, Idaho 83623-5032

Notice of Field Manager's Final Decision for the Hammett #6 Allotment

Dear Mr. Owen:

Thank you for your application to renew the grazing permit on the Hammett #6 (01038) Allotment. I appreciate your working with the Bureau of Land Management (BLM) during this permit renewal process and your interest in grazing the allotment in a sustainable fashion. I am confident this Final Decision achieves that objective.

The BLM remains dedicated to processing your grazing permit application for the allotment. I issued my Proposed Decision to renew your grazing permit on May 27, 2014, which you received June 5, 2014. The Proposed Decision included terms and conditions to ensure that the allotment would be meeting or making significant progress toward meeting Idaho Standards for Rangeland Health (Standards), compliance with Guidelines for Livestock Grazing Management (Guidelines), and conform to the Jarbidge Resource Management Plan (RMP) objectives, the current land use plan for the area. The BLM received protest letters regarding the Proposed Decision from Western Watersheds Project on June 7, 2014 and from you on June 11, 2014. We held protest meetings in July, August, and October 2014 and May 2015. All protest points submitted were considered and my responses to protest points are provided in the attached section titled Protest Responses.

The BLM recently evaluated current grazing practices and conditions on the allotment in preparation for renewing livestock grazing permits in the Bennett Mountain Management Area. We undertook this effort to ensure that any renewed grazing permit is consistent with the BLM's legal and land management obligations. As part of the BLM's evaluation process, Rangeland

Health Assessments and Evaluations were completed, and Determinations were signed May 27, 2014.

Public scoping for grazing permit renewals associated with the 12 Bennett Mountain North allotments (this permit affects one of those allotments) was initiated April 2, 2012. The scoping letter informed recipients that the purpose of the public outreach effort was to identify resource and management issues associated with rangeland health standards and the Jarbidge RMP. Comments received during this process and meetings with you and other interested publics were used to develop the alternatives analyzed in the Bennett Mountain North Grazing Permit Renewal Environmental Assessment (EA) DOI-BLM-ID-B010-2011-0021-EA, published May 27, 2014.

Following public availability of my Proposed Decision and review of protest points, I am now prepared to issue my Final Decision to renew your permit to graze livestock in the Hammett #6 Allotment. After careful consideration, I have selected Alternative D as the Final Decision for livestock management in this allotment. Upon implementation of this decision, your permit to graze livestock in the allotment will be fully processed using the revisions to the grazing regulations[1] promulgated in 1995, the Idaho Standards and Guidelines, adopted in 1997, and the Jarbidge RMP, dated March 23, 1987. My Final Decision incorporates by reference the analysis contained in the EA, supporting documents, and the Jarbidge RMP.

Because of the allotment's failure to meet multiple Standards and the need to protect important resources such as greater sage-grouse, I must ensure that significant progress will be made toward meeting Standards under the new permit. I am confident that implementation of my Final Decision will ensure significant progress on the allotment.

This Final Decision will:

- Briefly describe current conditions and issues on the allotment;
- Briefly discuss the alternative grazing management schemes that the BLM considered in the EA;
- Respond to the application for grazing permit renewal for use in the Hammett #6 Allotment;
- Outline my Final Decision to select Alternative D in the Hammett #6 Allotment; and
- State the rationale for making that selection.

Background

Allotment Setting

The Hammett #6 Allotment is located approximately 12 miles northeast of Mountain Home, Idaho and includes 6,509 acres of BLM-administered lands, 179 acres of private lands, and 1,739 acres of State lands in six pastures (Map 1). Elevations range from 3,800 to 6,900 feet and topography is characterized by side slopes, toe slopes, and ridgelines. The allotment is comprised of two ecological sites. Loamy 12-16" (75%) is characterized by Wyoming big

[1] The 2005 43 CFR Part 4100 are the federal regulations that govern public land grazing administration.

sagebrush, with Idaho fescue and bluebunch wheatgrass. South Slope Fractured 12-16" (25%) is characterized by mountain big sagebrush with bluebunch wheatgrass.

Current Grazing Authorization

The grazing permit issued to David E. Owen, Jr (1101849) on March 3, 2014[2] authorized active use in the Hammett #6 Allotment (Table 1). The current grazing authorization includes additional allotments (not shown in Table 1), which are not currently being evaluated. These other allotments, along with pertinent terms and conditions, will remain on the respective authorizations and are not affected by this Final Decision. A separate grazing permit will be issued to implement the terms and conditions of this Final Decision for the Hammett #6 Allotment.

Table 1. Current mandatory terms and conditions for the Hammett #6 Allotment, Elmore County, Idaho.

Allotment	Livestock		Grazing Period		% Public Land	Type Use	AUMs[A]
	Number	Kind	Begin	End			
01038 Hammett #6	563	Cattle	03/27	05/25	82	Active	911

[A] Animal Unit Months

Allotment Specific Terms and Conditions

1. Livestock grazing within Plateau, Hammett #6, Lower Bennett Creek, and Hammett Individual Allotments will be in accordance with the Final Decision 9/10/04.
2. The Allotments listed on this Grazing Permit are subject to the requirements described in 43 CFR subpart 4180 – Fundamentals of Rangeland Health and standards and guidelines for livestock grazing administration. This permit shall be modified (if necessary) to meet these requirements upon completion of a Standard and Guidelines Assessment, and Determination as scheduled by the Authorized Officer.
3. Pursuant to 43 CFR 10.4(B), the permittee must notify the BLM Field Manager, by telephone with written confirmation, immediately upon the discovery of human remains, funerary objects, sacred objects, or objects or cultural patrimony on federal land. Pursuant to 43 CFR 19.4(C), the permittee must immediately stop any ongoing activities connected with the discovery and make a reasonable effort to protect the discovered remains or objects.
4. Your certified Actual Use Report is due 15 days after authorized use has been completed.
5. In Lower Bennett Creek Allotment, the permittee will distribute the cattle to minimize overuse of critical areas.
6. In Hammett #6 Allotment, use in the Lower Pasture (containing Thorn Creek) will occur prior to April 13, each year. Use during May will alternate between the Upper Pasture of Dive Creek and the next Lower pasture containing Willow Creek. Use in the pasture west of Dive Creek will occur from May 19 to May 25. Use in this pasture may overlap the critical growth period in some years. If improvement does not occur, early removal in alternate years may be necessary. The permittee will distribute the cattle to minimize overuse of critical areas.

[2] This permit was previously issued by a September 10, 2004 decision and renewed under the 2014 Consolidated Appropriations Act (Public Law 113-76) on March 1, 2014 for a three year period with the same terms and conditions as the 2004 decision.

7. The current Exchange of Use Agreement for leased lands within Lower Bennett Creek and Hammett #6 allotments is the basis for the %PL allowances. Permitted use levels and EOU will remain the same as under the past permit, but will be licensed as %PL. If the lease is renewed for exactly the same lands, the EOU authorization will continue for the remainder of the term of this Permit. If not, maximum numbers of cattle will be adjusted accordingly.
8. In Plateau Allotment: The increase in permitted use is contingent upon a period of use during the dormant season for perennial grasses. Permitted use will revert to 267 AUMs if the permittee, heirs, or assigns request a change to spring use.
9. Permitted use will increase to 552 AIMs pending construction of an exclosure around known slickspot peppergrass populations in Hammett Individual Allotment. When the exclosure is completed, permitted use will revert to a total of 473 AUMs. Use will be permitted up to the capacity of the pastures (if the exclosure is constructed) as long as total permitted use (689 AUMs) for the Plateau and Hammett Individual Allotments is not exceeded. EA-#99-38 defines pasture capacity.
10. In Hammett Individual Allotment: The increase in permitted use is contingent upon a period of use during the dormant season for perennial grasses. Permitted use will revert to 152 AUMs if the permittee, heirs, or assigns request a change to spring use.
11. The increase in permitted use is also contingent upon construction of an exclosure around known slickspot peppergrass populations. During the interim period, water troughs, salt blocks, and feed supplements will continue to be placed a minimum of 1.2 mile from known slickspot peppergrass populations. Use will be permitted up to the capacity of the pastures (if the exclosure is constructed) as long as total permitted use (689 AUMs) for the Plateau and Hammett Individual Allotments is not exceeded. EA-#99-38 defines pasture capacity.
12. In both Plateau and Hammett Individual allotments: IF sustained poor growth conditions require short-term reductions in use, BLM will take action under 43 CFR 4110.3-2(A), which provides for temporary suspensions in permitted use due to drought.
13. In event of unusual winter weather which may force wintering deer into these allotments, cattle will be herded away from remnant shrub stands and will be removed if herding is unsuccessful.
14. Grazing within the Hammett Individual and Plateau allotments will normally occur within the periods of use specified above. However, use could occur at any time between December 1 and February 28 provided that the BLM is notified in advance.
15. The permittee shall contact the BLM Authorized Officer at least two weeks prior to maintenance on existing reservoirs and spring developments so that an archeologist can evaluate the area for site potential and possible adverse effects.
16. All Appropriate documentation regarding Base Property leases, lands offered for Exchange of Use, and livestock control agreements must be approved prior to turn-out. Leases of land and/or livestock must be notarized prior to submission and be in accordance with Boise District Policy.
17. Livestock exclosures located within your grazing allotments are closed to all domestic grazing use.
18. Trailing activities must be coordinated with the BLM prior to initiation. A Trailing Permit, crossing permit or similar authorization may be required prior to crossing public lands. Permittee will also notify any all affected permittees in advance of trailing.

19. You are required to maintain rangeland improvements in accordance with the cooperative agreements and range improvement permits in which you are a signatory or assignee.
20. Salt and/orSupplement shall not be placed within one-quarter (¼) mile of springs, streams, meadows, aspen stands, playas special status plant populations, or water developments.
21. Changes to scheduled use requires prior approval.
22. Turn-out is subject to Boise District Range Readiness Criteria.
23. Permittee will not trail livestock through element occurrences within the management area when soils are saturated.
24. Permittee shall place salt/supplement to minimize trampling of LEPA and of slickspots, respectively. Supplements will be place at least ½ mile, preferably ¾ mile if practicable from occurrences. Supplements that are attractants should be place so that the cattle will not trail through an element occurrence to the supplement or a water source. Attractants should be placed so that cattle are drawn away from the area of element occurrence.

Resource Conditions (Standards)

Rangeland health assessment and monitoring data collected between 1987 and 2011 were used to assess allotment conditions. A 2014 Determination concluded that BLM-administered lands were not meeting Standard 1 (Watersheds), Standard 4 (Native Plant Communities), and Standard 8[3] (Threatened and Endangered Plants and Animals). Livestock grazing was considered a significant factor for not meeting those Standards[4]. Standard 2 (Riparian Areas and Wetlands), Standard 3 (Stream Channel and Floodplains), and Standard 7 (Water Quality) were being met. Standard 5 (Seedings) and Standard 6 (Exotic Plant Communities, other than Seedings) did not apply to the allotment. The following provides a summary of conditions. Please see the Hammett #6 Assessment, Evaluation, and Determination documents and associated EA Affected Environment sections for more details.

Watersheds – Six indicators of watershed health (i.e., water flow patterns, pedestals/terracettes, soil surface resistance to erosion, soil surface loss or degradation, plant community composition, and litter amount) had Moderate or greater departures from site potential[5] (EA Section 3.1.1).

[3] The May 27, 2014 Determination indicated Standard 8 was not being met and current livestock management practices are not significant factors. Wildfire reduced or eliminated sagebrush cover, but was not the sole reason Standard 8 was not met. Consistent spring grazing has reduced the frequency and diversity of native perennial grasses and forbs (as also indicated in Standard 4) that are important for sage-grouse nesting cover and brood rearing. An updated version of the Determination reflects this.

[4] The 2014 Determination indicated wildfire that removed shrubs was the reason Standard 8 was not being met and livestock were not a significant contributing factor. That Determination has been updated to acknowledge that consistent spring livestock use reduced the frequency and diversity of native perennial grasses and forbs, important components for special status species such as greater sage-grouse; therefore, current livestock use is a significant contributing factor.

[5] Attributes of rangeland health (Soil/Site Stability, Hydrologic Function, and Integrity of the Biotic Community are rated based on their departure from ecological site description/ecological reference areas (site potential). Ratings include None to Slight, Slight to Moderate, Moderate, Moderate to Extreme, and Extreme. BLM Technical Reference 1734-6, *Interpreting Indicators for Rangeland Health*, defines normal range of variability as the deviation of characteristics of biotic communities and their environment that can be expected given natural variability in climate and disturbance regimes. Ratings in the Moderate, Moderate to Extreme, and Extreme are considered outside the normal range of variability.

Erosional features (e.g., accentuated water flow patterns, pedestalled perennial grasses, and reduced bunchgrasses) were the main issues affecting the ratings, especially in Pastures 2, 3, and 4. Exotic annual cover, which provides marginal watershed protection, was greater than expected in Pastures 4 and 6. Overall, long-term trends in persistent vegetation, biological soil crust, and bare ground cover were static.

Riparian Areas, Wetlands, Stream Channels, and Water Quality – Vegetation and hydrologic conditions were rated in proper functioning condition (PFC) for 7.9 miles of streams (EA Section 3.5.1). Segments rated in PFC were characterized by dominance of potential natural vegetation; ≥80% vegetated and stable streambanks; stream morphology appropriate to hydrology, landform, and substrate; and appropriate sediment levels. The majority of streams (6.6 miles) are not accessible to livestock. The two springs were rated PFC and were characterized by minimal trampling and deep-rooted riparian species including willows, sedges, and rushes.

Upland Vegetation, Special Status Plants – Seven of nine biotic integrity indicators had Moderate or greater departures from site potential for at least four of the nine assessments conducted. Occurrence and diversity of tall- and mid-stature perennial grasses in shrub interspaces, especially in Pastures 3, 4, and 6, was less than expected, typically being replaced by low-stature perennial grasses and exotic annual grasses (EA Section 3.2.1). The remaining indicators commonly rated with a Moderate or greater departure from site potential were the result of pedestalled and dying Sandberg bluegrass, reduced shrubs (in recently burned areas), reduced reproductive capability, and increased exotic annual grasses (Pastures 4 and 6).

Long-term trend monitoring indicated an overall static to downward trend in vegetation community conditions (EA Section 3.2.1). Shrub frequency trends were static to downward. Tall-stature perennial bunchgrasses (bluebunch wheatgrass) trends were static. Mid-stature perennial bunchgrasses (squirreltail) trends were static to downward. Low-stature bunchgrasses (Sandberg bluegrass) trends were static to downward. Frequencies and diversity of tall- and mid-stature perennial grasses were less than expected at multiple sites. Exotic annual grass trends were upward. Annual livestock use during the critical growing period was identified as the primary cause for the shift in species composition. A 2000 wildfire directly affected one trend site in Pasture 2. Tall- and mid-stature grass frequencies increased between 2004 and 2011. Bluebunch wheatgrass recovered to pre-fire levels; however, frequency was below expected values. Wildfires in 2010 and 2012 removed the majority of shrub cover in Pastures 4, 5, 6, and a portion of 3, but did not affect the trend site in Pasture 4. No special status plants or noxious weeds were known to occur.

Wildlife, Special Status Animals – Greater sage-grouse habitat conditions, which in the EA analyses and this Final Decision also serve as an indicator of habitat suitability for shrubsteppe dependent species (including special status and migratory species such as ferruginous hawk, sage sparrow, pygmy rabbit, and longnose snake), were not meeting Standard 8 (EA Section 3.6.1). Approximately 40% of the allotment's BLM-administered lands (majority of Pastures 1, 2, and 3) are Preliminary Priority Habitat (PPH) for sage-grouse and 44% (portions of Pastures 2, 3, 4, 5, and 6 affected by wildfire) are Preliminary General Habitat (PGH)[6]. Prior to the 2010 and

[6] Based on lek attendance, connectivity, seasonal habitat and other data, PPH are areas that have been identified as having the highest conservation value (breeding, nesting, brood-rearing habitat) to maintaining greater sage-grouse

2012 wildfires, all sage-grouse habitat in the allotment was considered PPH. Based on 2010 and 2014 data, up to three active leks occur within 2.1 and 4.7 miles of the allotment. Fires in 2000, 2010, and 2012 have adversely affected sagebrush cover. Areas burned in 2000 have recovered and provide suitable sagebrush cover for nesting, summer, and winter habitat; however, more recently burned areas have substantially reduced sagebrush cover. Tall- and mid-stature grasses are reduced, especially in recently burned areas and shrub interspaces, and provide marginal to unsuitable horizontal nesting cover. Forb diversity and abundance is reduced from what is expected and provides marginal cover and forage in early nesting and brood-rearing habitat. PFC springs provide suitable late brood-rearing habitat; however, because of recent fires they do not have adequate shrub cover adjacent to them. Fences (a potential sage-grouse mortality factor due to collision risk) and natural boundaries (along Bennett Creek and portions of the eastern boundary) delineate pastures and the allotment.

The allotment's other special status species (e.g., willow flycatcher, spotted bat, and redband trout) are primarily associated with riparian and wetland habitats. The 7.9 miles of PFC streams provided suitable habitat for redband trout and riparian dependent species and were characterized by adequate stream shading, vertical structural diversity, and a diverse mix of native grasses, forbs, shrubs, and trees (EA Sections 3.5.1 and 3.6.1).

Upland and riparian habitats provide marginal to suitable habitat for small mammals and other raptor prey species (EA Section 3.6.1). Bitterbrush, an important mule deer winter forage species, was also adversely affected by fires.

Guidelines for Livestock Grazing Management

The BLM's 2014 Determination found that grazing did not conform to the following guidelines:

> Guideline 4 – Implement grazing management practices that provide periodic rest or deferment during critical growth stages to allow sufficient regrowth to achieve and maintain healthy, properly functioning conditions, including good plant vigor and adequate vegetative cover appropriate to site potential.
>
> Guideline 8 – Apply grazing management practices that maintain or promote the interaction of the hydrologic cycle, the nutrient cycle, and energy flow that will support the appropriate types and amounts of soil organisms, plants, and animals appropriate to soil type, climate, and landform.
>
> Guideline 9 – Apply grazing management practices to maintain adequate plant vigor for seed production, seed dispersal, and seedling survival of desired species relative to soil type, climate, and landform.

Actual Use Summary

The current permit authorizes annual active use of 911 AUMs of forage and use periods between March 27 and May 25. However, based on actual use reports submitted over the 17-year period between 1997 and 2013, fewer AUMs were used in most years than

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populations. PGH are areas outside of breeding habitat that support important seasonal (winter, summer, fall habitat, migration corridors) or year-round sage-grouse habitat.

authorized. Specifically, actual use averaged 830 AUMs per year (91% of permitted use), with a high of 911 AUMs and a low of 684 AUMs (the latter reflecting an AUM reduction in response to the 2012 Stout Fire). Actual use reports show that grazing over the past 17 years consistently stayed within the scheduled season of use. Actual use is important when considering the renewal of a grazing permit because it was actual use and not permitted use levels that resulted in current conditions on the allotment.

Issues

Based on the BLM's evaluation of current grazing management, current conditions on the allotment, public response to scoping, and the BLM's requirement to meet or make significant progress toward meeting Idaho Standards and Guidelines, and to move the allotment toward meeting Jarbidge RMP management objectives, the BLM identified the following resource issues associated with the permit renewal:

- Watersheds: How can livestock grazing be modified to improve watershed function?
- Vegetation and Special Status Plants: How can native perennial grasses and forbs be maintained or increase?
- Fuels Management: Is the issuance of temporary non-renewable use (TNR) an appropriate method to manage fuels in the area?
- Greater Sage-grouse: What is the BLM considering sage-grouse habitat and will BLM implement protection measures for it?
- Migratory Birds: How will BLM ensure that habitat conditions will support migratory birds?
- Wildlife: What management actions will be taken to minimize forage competition and fencing impacts, especially in mule deer winter range?
- Riparian/Wetland Areas/Fisheries: What management actions, especially those that don't require fencing, can be implemented to improve habitat conditions?
- Water Quality: What management changes will be made to ensure water quality standards will be met?
- Cultural Resources: What steps will be taken to avoid or minimize impacts to cultural resources?
- Livestock Management/Social and Economics: How will proposed alternatives balance the need for meeting Standards with operational and economic needs?

Analysis of Alternative Actions

Based on the current conditions in the allotment and the issues identified above, the BLM considered alternative livestock management schemes that would ensure that any renewed grazing permit would maintain or improve satisfactory conditions (where they exist), and/or allow the allotment to meet or make significant progress toward meeting Standards where unsatisfactory conditions exist. Temporary non-renewable (TNR) use was considered, but not analyzed in detail because suitable conditions for TNR do not exist in the allotment (EA Section 2.2.1)[7]. The following four alternatives were considered in detail (see EA Section 2.3 for more detailed descriptions):

[7] The permittee could apply for TNR in the allotment; however, the BLM would need to evaluate the request in accordance with the NEPA.

Alternative A – No Grazing: Livestock grazing would not be permitted for a 10-year period.

Alternative B – Continue Current Use: Cattle use (911 AUMs of active use) would be permitted during the spring (563 head, March 27 to May 25). Pastures 4-6 would be used prior to April 13 annually. Pastures 2 and 3 would be used in rest-rotation during May. Pasture 1 would be used annually May 19 to 25.

Alternative C – Permittee Applications[8]: Cattle use (912 AUMs of active use) would be permitted during the spring (275 head, March 1 to July 1). Pastures 1-4 would be used in a deferred system (no use would occur during the soft boot to seed dissemination period for grasses one in four years) and pastures 5 and 6 would be used annually March 1 to April 30. Livestock numbers could vary up to 550 head providing use periods and AUMs were not exceeded. If resource objectives (as described in Appendix 7 of the EA) were not being met after five years, then Alternative D would be implemented.

Alternative D – BLM Proposal: Cattle use (769 AUMs of active use) would be permitted during the spring (232 head, March 1 to July 1). The remaining 143 AUMs would be placed in suspended use. A six-year rest-rotation system would be implemented where pastures 1-3 would be rested three times during the six-year period, pastures 4 and 6 would be rested twice. Because of different pasture sizes available, annual active use would vary from 405 to 769 AUMs. Livestock numbers could vary up to 255 head providing use periods and AUMs were not exceeded.

Final Decision

After considering the current conditions of the natural resources, current grazing practices, and the alternatives and analyses in the EA, as well as other information, it is my Final Decision to issue you a grazing permit for 10 years with terms and conditions consistent with Alternatives D in the EA and as shown below in Table 2. Grazing use under this authorization (permit) over the next 10 years will allow the allotment to make significant progress toward meeting Idaho Standards and Guidelines and resource objectives outlined in the Jarbidge RMP. Additionally, it is my Final Decision to:

- Authorize 769 AUMs of Active Use in the Hammett #6 Allotment (Map 1).
- Identify the annual rotation of available pastures.
- Set a maximum number of livestock at 255 head for the allotment.
- No AUMs will be placed in Suspended Use. All reduced Active Use AUMs will be eliminated, not suspended, in accordance with 43 CFR § 4110.3-2.
- Allow "After-the-Fact" billing based on the actual use report and conformance with 43 CFR § 4130.8-1(e) requirements.

[8] The permittee did not initially apply to incorporate Alternative D as part of the application process for Alternative C. The BLM expressed to the permittee uncertainty that Alternative C alone could make significant progress toward meeting Standards. Based on consultation, cooperation, and coordination between the permittee and BLM staff prior to completion of the EA, potential implementation of Alternative D was added to Alternative C in the EA to provide assurance that significant progress would be made toward meeting Standards.

Final Grazing Authorization (Permit)

The Final Grazing Authorization will contain the following Mandatory (Table 2)[9], Other, and Allotment Specific Terms and Conditions.

Table 2. Mandatory terms and conditions[10] for the Hammett #6 Allotment, Elmore County, Idaho.

Allotment	Livestock		Grazing Period		% Public Land	Type Use	AUMs
	Number	Kind	Begin	End			
01038 Hammett #6	255	Cattle	03/01	07/01	100	Adaptive	769

Other Terms and Conditions

1. Livestock grazing must be conducted in accordance with the Terms and Conditions described in the Final Decision dated August 3, 2015.
2. Livestock turn-out is subject to District Range Readiness Criteria.
3. Changes to the scheduled use will require prior approval by the authorized officer.
4. You are required to submit a signed and dated Actual Grazing Use Report form (BLM Form 4130-5) for each allotment you graze. The completed form(s) must be submitted to this office within 15 days from the last day of your authorized annual grazing use.
5. Salt and/or supplements shall not be placed within one-quarter (1/4)-mile of springs, streams, meadows, aspen stands, playas, special status plant populations, eligible historic properties, or water developments. Use of supplements other than the standard salt or mineral block on public land requires annual authorization by the authorized officer.
6. A crossing permit may be required prior to trailing livestock across public lands. Crossing activities must be coordinated with the BLM prior to initiation. Permittee will also notify any/all affected permittees in advance of crossing.
7. Livestock exclosures located within grazing allotment(s) will be closed to all domestic grazing use.
8. Range improvements must be maintained in accordance with the cooperative agreement and range improvement permits in which you are a signatory or assignee. All maintenance activities which may result in ground disturbance require prior approval from the authorized officer.
9. Escape ramps that meet BLM standards must be installed and functioning on water troughs located on public lands. The permittee will inform BLM if escape ramps are needed on permanent troughs, and BLM will supply them. The permittee is responsible for providing escape ramps for temporary troughs. It is the permittee's responsibility to maintain and install all escape ramps.
10. Pursuant to 43 CFR § 10.4(b), you must notify the BLM Field Manager, by telephone with written confirmation, immediately upon the discovery of human remains, funerary objects,

[9] This is how the schedule will appear in the permit. It includes all the variations identified in Alternative D of the EA. The Allotment Specific Terms and Conditions further delineate annual grazing schedules as shown in Alternative D of the EA.

[10] Although "Type Use" is shown as "Adaptive," this is only to allow the BLM's Rangeland Administration System (RAS) the ability to display the total livestock numbers, entire season of use (although each year has a shorter season of use on the grazing schedule), and the total number of AUMs. Hammett #6 Allotment Specific Terms and Conditions outline the specific grazing rotation/schedule, season of use, livestock numbers, and AUMs. All AUMs associated with this Final Decision will be "Active Use" in accordance with 4100.0-5. No suspended use is identified in this Final Decision.

sacred objects, or objects of cultural patrimony on federal lands. Pursuant to 43 CFR § 10.4(c), you must immediately stop any ongoing activities connected with such discovery and make a reasonable effort to protect the discovered remains or objects.

11. Permittees or lessees shall provide reasonable administrative access across private and leased lands to the BLM for the orderly management and protection of public lands.
12. AUMs and livestock numbers (within permitted grazing dates) are currently calculated using % Public Land. BLM is using the % Public Land calculation because grazing on this allotment incorporates unfenced acres of non-public lands which are owned or controlled by the permittee; in essence the % Public Land calculation give the permittee credit for forage being used on the non-public lands and results in an increase in livestock numbers. Should the non-public lands (private, State Lands) within the allotment be fenced out or otherwise acquired by a third party through lease or ownership changes such that the permittee no longer uses them in conjunction with the public lands, the % Public Land and livestock numbers will change administratively and automatically without further notice. If that happens, BLM will issue a timely new permit to reflect the administrative change. No changes to Active AUMs on public land will occur.

Hammett #6 Allotment Specific Terms and Conditions

1. Use in the Hammett #6 Allotment will be authorized on a six-year rotation system as follows, with the cycle repeated after Year 6. Livestock will be actively trailed between designated use pastures.
   Year 1: Pastures 1, 3, 5, and 6 will be available; pastures 2 and 4 will be rested; 527 Active AUMs.
   Year 2: Pastures 2, 4, 5, and 6 will be available; pastures 1 and 3 will be rested; 637 Active AUMs.
   Year 3: Pastures 1, 3, 4, and 5 will be available; pastures 2 and 6 will be rested; 570 Active AUMs.
   Year 4: Pastures 2, 5, and 6 will be available; pastures 1, 3, and 4 will be rested; 405 Active AUMs.
   Year 5: Pastures 1, 3, 4, 5, and 6 will be available; Pasture 2 will be rested; 769 Active AUMs.
   Year 6: Pastures 2, 4, and 5 will be available; pastures 1, 3, and 6 will be rested; 444 Active AUMs.

2. Prior to the beginning of each authorized use period in the Hammett #6 Allotment, the permittee will coordinate their intended operating plans with the BLM at an annual meeting.
3. Livestock numbers in the Hammett #6 Allotment may vary, providing season of use and AUMs are not exceeded; however, the maximum number of livestock present at any one time will not exceed 255 head.

Rationale

Record of Performance

Pursuant to 43 CFR § 4110.1(b)(1), a grazing permit may not be renewed if the permittee seeking renewal has an unsatisfactory record of performance with respect to its last grazing permit. Accordingly, I reviewed your records as a grazing permit holder and have determined

that you have a satisfactory record of performance and are a qualified applicant for the purposes of permit renewal.

Alternative Selection

Based on my review of the Bennett Mountain North Grazing Permit EA (DOI-BLM-ID-B010-2011-0021-EA), the associated FONSI, the rangeland health assessments, evaluations, determinations, and other documents in the grazing files, it is my Final Decision to select Alternative D for the Hammett #6 Allotment.

While you have taken voluntary reductions in at least 10 grazing seasons, use consistently occurred during the spring growing period. The timing of grazing use can have as much effect on rangeland conditions as the amount of use. Reduced use by itself has not resulted in significant progress toward meeting Standards. In my selection of Alternative D, the stocking rate will remain the same, but implementing a rest-rotation grazing system that provides periodic growing season rest, which will allow plants to fully meet their physiological needs, will ensure that authorized grazing use will not be the causal factor in failing to meet Standards.

I made this selection after a thorough review of resource conditions and the environmental analyses. It is evident to me that implementation of this decision will best fulfill the BLM's obligation to manage the public lands under the Federal Land Policy and Management Act multiple use and sustained yield mandate and other applicable statutes, regulations, and requirements, and will result in the allotments meeting or making significant progress toward meeting the resource objectives of the Jarbidge RMP and the Idaho Standards and Guidelines.

Adaptive Use Grazing Authorization (Permit)

The BLM uses the Rangeland Administration System (RAS; www.blm.gov/ras) database for grazing administrative support. When generating a grazing permit in RAS, Active Use (in AUMs) is calculated automatically based on the number of livestock, days of authorized use, and percent of public land. The RAS now allows user selection of Adaptive rather than Active for type of use which allows override of automatic AUM calculations so that the mandatory terms and conditions that accurately reflect permitted flexibility in livestock numbers and/or seasons of use. Although the printed permit using this feature identifies AUMs as "Adaptive," they are still considered to be "Active" AUMs. I have decided to issue to you a grazing authorization (permit) using Adaptive rather than Active AUMs to allow for fluctuating livestock numbers within the given grazing period while not exceeding the AUMs identified in the Allotment Specific Terms and Conditions. To be clear, Adaptive Use on the grazing authorization (permit) is not to be mistaken with the discussion of Adaptive Management in Alternative C in the EA or Proposed Decision.

Issues Addressed

Earlier in this decision, I outlined the major issues that drove the analysis and decision making process for the Hammett #6 Allotment. I want you to know that I considered how each alternative would affect the identified issues before making my decision. My Final Decision for

the allotment is based in large part on my understanding that it best addresses the specific issues, given the BLM's legal and land management obligations[11].

Watersheds: How can livestock grazing be modified to improve watershed function?
AND
Vegetation and Special Status Plants: How can native perennial grasses and forbs be maintained or increase?
As mentioned above and explained in detail in the EA, the allotment has watershed and upland vegetation issues, including a shift in plant composition and an increase in exotic annual grasses. Alternative D will address these issues in a number of ways.

Implementation of a grazing system that provides periodic spring rest will help to ensure that native perennial grasses (especially tall- and mid-stature species) will be maintained or increase over the long term (10 years). Significant progress will be made toward meeting Standard 1 (EA Section 3.1.2.5) over the long term in areas where perennial grasses are dominant. In areas where exotic annuals are dominant, the grazing modifications will allow perennial grasses to be maintained; however, exotic annual competitiveness could affect long-term persistence of perennial species. Early spring grazing in exotic annual dominated areas (Pastures 5 and 6) could adversely affect watershed stability when inadequate cover remains; however, where perennial species are maintained or increase, long-term stability will improve. The maximum number of livestock will be considerably less than currently permitted, which will ensure adequate vegetation cover remains to protect areas from erosion over the long term (EA Section 3.1.2.1).

Standard 4 will be met or make significant progress toward being met where current livestock use is a significant factor (EA Section 3.2.2.6). Providing rest every other year will maintain or increase perennial grasses and forbs in Pastures 1-3. Providing rest every third year in Pastures 4 and 6 will help maintain or increase perennial grasses and forbs while providing additional flexibility to utilize exotic annual grasses. Annual use in Pasture 5 could be detrimental to perennial grasses; however, the BLM-administered lands in the pasture are steep and receive light use which will allow perennial grasses to be maintained at expected levels for the site. The system will ensure plants meet their physiological needs often enough to improve vigor, reproduction, nutrient cycling, and energy flow. Frequencies of tall- and mid-stature bunchgrasses and perennial forbs will increase over the long term. An early turnout (potentially March 1) in exotic annual dominated areas (Pastures 5 and 6) could reduce exotic annual competition which will be desirable. Perennial plants could be maintained where exotic annuals

[11] There is uncertainty associated with the BLM's organizational capacity to manage the Hammett #6 Allotment; in a time of budget cutting, staff reductions, and reduced revenues, land management decisions must consider the level of on-the-ground management we can reasonably expect to accomplish. My challenge is this: from a field office perspective, what intensity of management can I reasonably expect to accomplish, knowing that when BLM selects an alternative that requires intensive management from BLM (i.e., continuous and intensive monitoring or other workloads that need to occur every year as would occur with Alternative C and the associated Adaptive Management Monitoring Plan) it also accepts the risk and responsibility of that system's failure which could include a decreasing ecological health for the allotment at issue. My responsibility and challenge here is to make decisions that can be successfully implemented by BLM over the long term and that will lead to success, defined as healthy, sustainable resource conditions and predictability for ranch operators.

are abundant. Sagebrush will recover in burned areas over the long term and spring livestock use will have minimal impacts on bitterbrush growth and recovery.

Alternative D will implement livestock management practices that maintain and improve watershed and vegetation conditions consistent with Guidelines 4, 8, and 9.

Fuels Management: Is the issuance of TNR an appropriate method to manage fuels in the area?
Although a number of sources identify the potential to use grazing to reduce fine fuels on a landscape level, identified benefits are greatest with targeted grazing that strategically maintains fuel-breaks to aid fire suppression actions (Diamond et. al. 2009). Landscape-scale fuels reduction has its greatest application in grass-dominated vegetation communities, specifically within seedings of grazing-tolerant introduced grasses and exotic annuals (Diamond et. al. 2009). Because of the limited distribution of exotic annuals (portions of Pastures 5 and 6), TNR is not necessary to manage fuels. Additionally, the seasons and levels of use required to reduce fine fuels prior to the fire season are not conducive to sustaining perennial grasses and forbs, consequently Standards 1, 4, and 8 would not be met under a grazing scheme developed for fuels management. Permit flexibility to allow March 1 use will help reduce fuels in exotic annual dominated areas while maintaining native species in the remainder of the allotment.

Greater Sage-grouse: What is the BLM considering sage-grouse habitat and will BLM implement protection measures for it?
AND
Migratory Birds: How will BLM ensure that habitat conditions will support migratory birds?
AND
Wildlife: What management actions will be taken to minimize forage competition and fencing impacts, especially in mule deer winter range?
A rotation schedule with periodic growing season rest will result in improvements in upland vegetation conditions and maintenance of wetland and riparian conditions that will ensure that Standards 4 and 8 will be met for wildlife over the long term (EA sections 3.2.2.6, 3.5.2.5, and 3.6.2.6). The opportunities to improve PPH and PGH vegetation conditions that Alternative D provides were an important consideration for me. Disturbance, trampling, and vegetation removal impacts in a particular pasture will typically be limited (less than one month) during the nesting and brood-rearing periods and will not occur when the pasture is rested. Nesting and brood-rearing requirements for greater sage-grouse will be met in unburned areas, especially in areas rested during the spring. Maintaining (unburned) or increasing (recently burned areas) sagebrush cover will help ensure adequate vertical cover over the long term. Increases in tall- and mid-stature grasses and perennial forbs will improve horizontal nesting cover and forage availability and diversity over the long term. Shrub cover should increase in recently burned areas over the long term; however, because exotic annual dominated communities have crossed an ecological threshold, I do not expect they will provide suitable habitat without vegetation treatments, regardless of livestock management (EA Section 3.2.2.1). My decision is consistent with BLM's Greater Sage-Grouse Interim Management Policies and Procedures Instructional Memorandum 2012-043 because it implements a grazing system that limits critical growth period use; promotes growth and persistence of native perennials; and permits wetland use only outside the summer growing season.

Food, water, and cover requirements will be met for upland- and riparian-dependent migratory and resident species over the long term under this Decision (EA Sections 3.5.2.5 and 3.6.2.6). Maintaining or increasing shrub cover and increasing perennial grass and forb cover will improve nesting, brood rearing, and foraging conditions for a variety of special status species including ferruginous hawk, sage-grouse, sage sparrow, pygmy rabbit, spotted bat, longnose snake, and redband trout (EA Appendix 10). Early use and periodic rest will reduce trampling, disturbance, and vegetation removal impacts during a critical period for birds, insects, mammals, and reptiles and will also promote the vigor and diversity of native perennial vegetation. Maintaining PFC conditions on 7.9 miles of streams and two springs will benefit riparian- and wetland-dependent species by maintaining stream shading, ground cover, and vertical structural diversity. My decision is consistent with BLM's Special Status Species Management 6840 Manual because it initiates proactive measures to reduce threats to special status species, improves habitat conditions, and implements a grazing system that is more consistent with species and habitat needs.

Reducing AUMs (9% - 52% from 846 AUMs average reported actual use for years not affected by fire) and lowering maximum livestock numbers (45% of current permitted numbers) will help ensure vegetation cover and structure is maintained at concentrated use areas (EA Section 3.6.2.6). This will help prevent further habitat degradation.

Because of the availability of palatable green herbaceous forages, spring livestock use of bitterbrush will be minimal. Therefore, big game winter browse will be adequate and increase where bitterbrush increases over the long term (EA Section 3.6.2.6).

Alternative D will implement livestock management practices that maintain and improve wildlife habitat conditions consistent with Guidelines 4, 8, and 9.

Riparian/Wetland Areas/Fisheries: What management actions, especially those that don't require fencing, can be implemented to improve habitat conditions?

AND

Water Quality: What management changes will be made to ensure water quality standards will be met?

Stream and spring resources are currently in satisfactory condition because livestock use occurs during the spring and the majority of streams are inaccessible to livestock (EA Section 3.6.2.5). Continuing cool season use (prior to July 15) will ensure that 7.9 miles of streams and the two spring wetlands will remain in PFC over the long term. Limited livestock use will occur in accessible areas; however, they will have sufficient time to recover during the remainder of the growing season and during rest years. Maintaining stream shading (woody and herbaceous vegetation) and stable streambanks will ensure Standard 7 continues to be met for Bennett, Dive, and Willow creeks.

Alternative D will continue livestock management practices that maintain riparian, wetland, and water quality conditions consistent with Guidelines.

Cultural Resources: What steps will be taken to avoid or minimize impacts to cultural resources?
Potentially eligible cultural resources are present on BLM-administered lands in the allotment; however, they occur outside concentrated use areas. Light livestock use will not adversely affect site integrity. No rangeland management projects were proposed.

Livestock Management/Social and Economics: How will proposed alternatives balance the need for meeting Standards with operational and economic needs?
Because the permitted use will make significant progress toward meeting or continue to meet Standards, as described above, social and economic needs for a variety of user groups will also be met (e.g., improved vegetation conditions, enhanced recreation experiences; EA Section 3.9.2.4). Implementing Alternative D will have moderate to major adverse impacts to your operation (because of the variation in AUMs available annually), but negligible impacts at the county level. I believe this decision represents an appropriate balance because significant progress will be made toward meeting Standards; improvements in vegetation conditions will ensure predictable, high quality forage for livestock and wildlife; multiple uses will be provided for; and economic interests will be maintained.

Additional Rationale

I considered selecting Alternative A - No Grazing; however, based on the information used in developing my decision, I believe that the BLM can meet resource objectives and still allow grazing on the allotment. In selecting Alternative D rather than Alternative A, I especially considered (1) BLM's ability to meet resource objectives using the selected alternative, (2) the impact of implementation of Alternative A on your operation and on regional economic activity, and (3) your past performance under previous permits. The resource issues identified are primarily related to annual spring use and site-specific intensities of grazing use. As stated above, the resource issues will be satisfactorily addressed by implementing Alternative D. The suspension of grazing for a 10-year period is not the management decision most appropriate at this time in light of these factors.

I also considered selecting Alternative B – Continue Current Management; however, this alternative would not meet Standards and Guidelines (EA Sections 3.1.2.3, 3.2.2.4, 3.5.2.3, and 3.6.2.4). Alternative D will ensure an adequate rate of progress while addressing your operational needs.

I also considered selecting Alternative C – Permittee Application. For the Hammett #6 Allotment, this would represent using the same number of AUMs as are currently authorized while providing minimal spring rest. Implementation would require intensive monitoring. There was a lack of certainty that vegetation conditions would improve while maintaining current AUMs and potentially not meeting plant physiological needs on a regular basis. I could not choose this alternative because I was not confident that significant progress would be made toward meeting Standards. The more frequent rest associated with Alternative D will allow plants to meet their physiological needs on a regular basis which will ensure significant progress toward meeting Standards.

Notes on Terms and Conditions

The permit requires an annual coordination meeting prior to turnout to discuss your annual authorization. Allotment Specific Terms and Conditions #1 provides basic requirements (i.e., grazing schedule) that will help inform these meetings, ensure that plant physiological needs are met, and provide some operational flexibility. Actively trailing livestock through pastures that are not scheduled for use during the trailing period will help ensure that minimal livestock impacts occur and the basic requirements of Allotment Specific Terms and Conditions #1 are met. With annual coordination, flexibility is provided to address exotic annual grass concerns.

Notes on Protest Meeting Issues

Early turnout flexibility – Exotic annual grasses are an issue primarily in Pastures 5 and 6. Livestock use of exotic annuals prior to when native perennial grasses initiate growth could reduce competition. A March 1 turnout that focuses use in exotic annual dominated areas could benefit native perennials. However, spring use will coincide with the critical growth period for Sandberg bluegrass (April) and tall- and mid-stature perennial grasses (May) and forbs. Significant progress toward meeting Standard 4 will not be made if early turnout results in perennial grass reductions. Failure to keep livestock in exotic annual dominated areas will also adversely affect sage-grouse nesting habitat and adversely affect progress toward meeting Standard 8. Trend monitoring will help determine livestock use impacts; therefore, I can support this initial flexibility knowing that adjustments can be made based on monitoring results.

Pasture Specific Objectives – I understand that the site potential varies based on elevation and current plant community makeup; however, the basic objectives of increasing native perennial frequencies and diversity apply to all pastures. Therefore, I did not ask staff to develop pasture specific objectives.

Exchange of use (EOU) – Per 43 CFR § 4130.6-2, EOU is issued to applicants other than the authorized permittee in an allotment and is based on private lands or State leases they control. Because you are the permittee of record in the allotment, consideration of other lands is more appropriately addressed by adjusting the %PL to reflect stocking rates on various lands you control in the allotment. You indicated that you would prefer that the permit reflect 100% PL; therefore, number of livestock and %PL were modified accordingly in this Final Decision.

Finding of No Significant Impact (FONSI)

A finding of no significant impact (FONSI) was signed on May 27, 2014, and concluded that the decision to implement Alternative D is not a major federal action that will have a significant effect on the quality of the human environment, individually or cumulatively with other actions in the general area. That finding was based on the context and intensity of impacts organized around the 10 significance criteria described at 40 CFR § 1508.97. Therefore, an environmental impact statement is not required. A copy of the FONSI for DOI-BLM-ID-B010-2011-0021-EA is available on the web at: on.doi.gov/1LM8uBj

Conclusion

In conclusion, it is my decision to select Alternative D for the Hammett #6 Allotment. I have determined the issuance of this grazing permit will be in conformance with the Jarbidge RMP dated March 23, 1987, and the permitted livestock grazing will enable the allotment to make significant progress toward meeting applicable Standards and Guidelines. Alternative A would also make significant progress toward meeting Standards and Guidelines, but would unnecessarily affect your operations and to a minor degree regional economic activity. Alternative B would not meet Standards and Guidelines. Alternative C could also potentially make progress toward meeting Standards and Guidelines; however, the degree of progress was uncertain and it would require substantial monitoring, which could not be guaranteed to occur.

Authority

The authorities under which this decision is being issued include the Taylor Grazing Act of 1934, as amended, Public Rangelands Improvement Act of 1978, and the Federal Land Policy and Management Act of 1976, as promulgated through Title 43 of the Code of Federal Regulations (CFR) Part 4100 Grazing Administration - Exclusive of Alaska (2005). My decision is issued under the following specific regulations:

- 4100.0-8 Land use plans; the Jarbidge RMP designates the Hammett #6 Allotment available for livestock grazing;
- 4110.3 Changes in permitted use;
- 4130.2 Grazing permits or leases. Grazing permits may be issued to qualified applicants on lands designated as available for livestock grazing. Grazing permits shall be issued for a term of 10 years unless the authorized officer determines that a lesser term is in the best interest of sound management;
- 4130.3 Terms and conditions. Grazing permits must specify the term and conditions that are needed to achieve desired resource conditions, including both mandatory and other terms and conditions;
- 4160 Administrative Remedies. Guidance on issuance of proposed and final decisions, and protests and appeals.
- 4180 Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration. Implementation of the decision will result in the continuation of the subject public lands to meet the Idaho Standards for Rangeland Health.

Right of Appeal

Any applicant, permittee, lessee or other person whose interest is adversely affected by the Final Decision may file an appeal in writing in for the purpose of a hearing before an administrative law judge in accordance with 43 CFR §§ 4160.3(c), 4160.4, 4.21, and 4.470. The appeal must be filed within 30 days following receipt of the Final Decision. The appeal may be accompanied by a petition for a stay of the decision in accordance with 43 CFR § 4.471 pending final determination on appeal. The appeal and petition for a stay must be filed in the office of the authorized officer, as noted:

Tate Fischer
Four Rivers Field Manager
3948 S. Development Avenue
Boise, Idaho 83705-5339

In accordance with 43 CFR § 4.401, the BLM does not accept fax or email filing of a notice of appeal and petition for stay. Any notice of appeal and/or petition for stay must be sent or delivered to the office of the authorized officer by mail or personal delivery.

Within 15 days of filing the appeal, or the appeal and petition for stay, with the BLM officer named above, the appellant must also serve copies on other persons named in the *copies sent to* section of this decision in accordance with 43 CFR § 4.421 and on the Office of the Field Solicitor located at the address below in accordance with 43 CFR §§ 4.470(a) and 4.471(b).

Boise Field Solicitor's Office
University Plaza
960 S. Broadway Avenue Suite 400
Boise, Idaho 83706-6240

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the Final Decision is in error and otherwise complies with the provisions of 43 CFR § 4.470.

Should you wish to file a petition for a stay, see 43 CFR 4.471 (a) and (b). In accordance with 43 CFR 4.471(c), a petition for a stay must show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied.
2. The likelihood of the appellant's success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

As noted above, the petition for stay must be filed in the office of the authorized officer and served in accordance with 43 CFR 4.471. Any person named in the decision that receives a copy of a petition for a stay and/or an appeal, see 43 CFR 4.472(b) for procedures to follow if you wish to respond.

If you have any questions, please contact either Matt McCoy Four Rivers Assistant Field Manager at (208) 384-3343 matthewmccoy@blm.gov, or myself at 208-384-3430 tfischer@blm.gov.

Sincerely,

/s/ *Tate Fischer*

Tate Fischer
Field Manager
Four Rivers Field Office

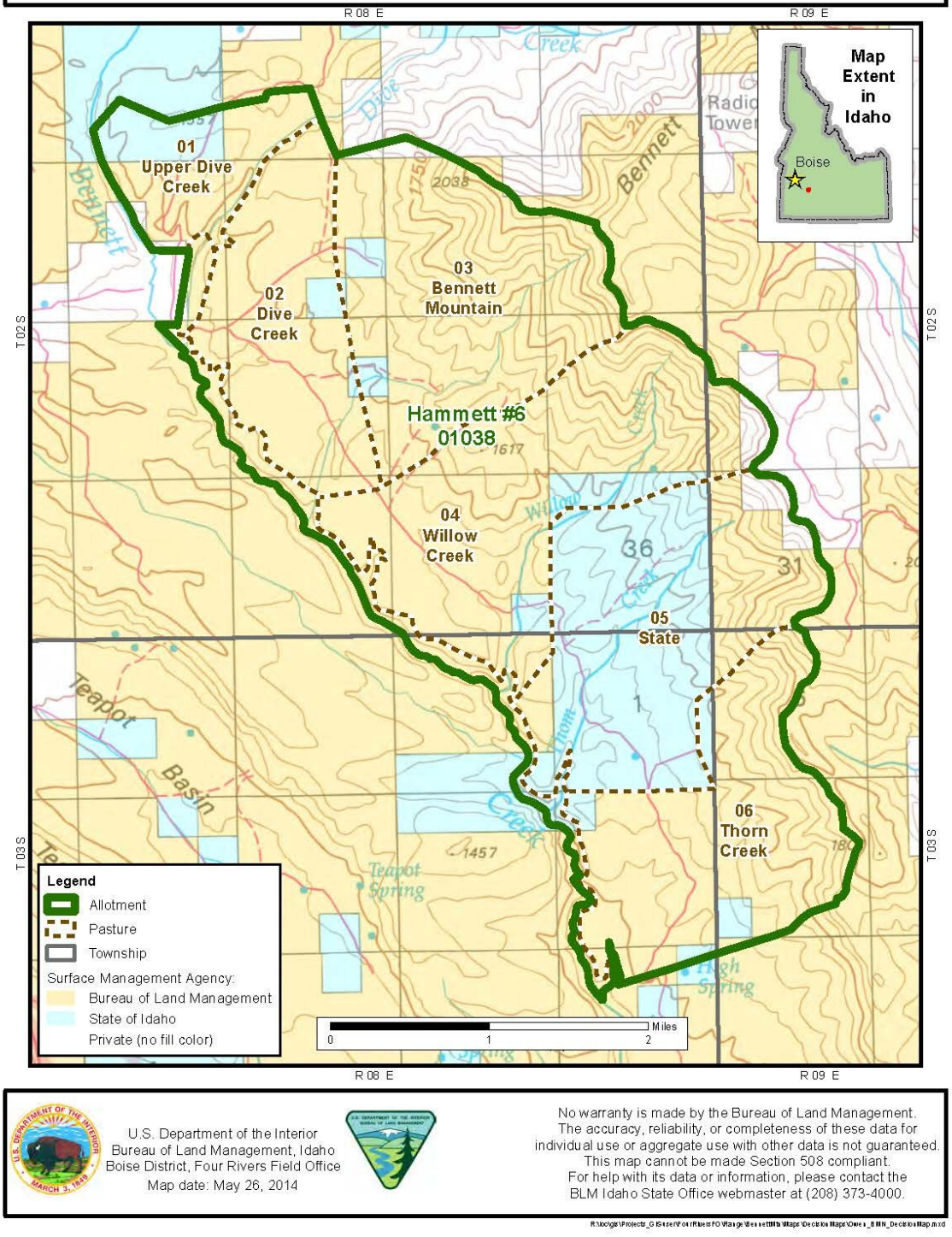
1 Enclosure:

1. 01038 Hammett #6 Allotment Determination Document (3pp)

Copies sent by certified mail to:
Advocates for the West, PO Box 1612, Boise, ID 83701-1612
J. D. Aldecoa & Sons, Inc., 4312 W. Edgemont Street, Boise, ID 83706-2304
Stacey Baczkowski, 1221 W. Idaho Street, Boise, ID 83702-5627
Barber Caven Ranches, 911 E. Winding Creek Drive, Suite 150, Eagle, ID 83616-6973
Donna Bennett, 573 N Bennett Road, Grand View, ID 83624
Samuel Blackwell, 5486 W. Wintercamp Lane, Glenns Ferry, ID 83623-5061
Alayne Blickle, 7235 Southside Boulevard, Nampa, ID 83686-9431
Boise National Forest, 2180 American Legion Blvd, Mountain Home, ID 83647-3140
Bureau of Reclamation, 1150 North Curtis Road, Suite 100, Boise, ID 83706-1234
Burns Paiute Tribe, Tribal Chairman, 100 Pasigo Street, Burns, OR 97720-2442
Casa Del Norte LP, 11204 N Bar 21 Drive, Glenns Ferry, ID 83623-5028
Committee for Idaho's High Desert, PO Box 2863, Boise, ID 83701-2863
Confederated Tribes of the Umatilla Indian Reservation, 46411 Timine Way, Pendleton, OR 97801-9467
Steve Damele, 928 E. Rumsey Lane, Mountain Home, ID 83647-5719
L. G. Davison & Sons, 1969 Prairie Road, Prairie, ID 83647-8435
Double Anchor Ranches, Inc., 5714 W. Double Anchor Drive, Glenns Ferry, ID 83623-5022
Elmore County Commissioners, 150 South 4th East, Suite 302, Mountain Home, ID 83647-3060
Faulkner Land & Livestock, C/O John Faulkner, 1989 South 1875 East, Gooding, ID 83330-5330
Golden Eagle Audubon, PO Box 8261, Boise, ID 83707-8261
Gene Gray, 2393 Watts Lane, Payette, ID 83661-5326
Richard Hall, 101 S. Capitol Boulevard Suite 1900, Boise, ID 83702-7705
Honorable Mike Crapo, 251 E. Front Street Suite 205, Boise, ID 83702-7312
Honorable Raul Labrador, 33 E. Broadway Avenue Suite 251, Meridian, ID 83642-2619
Honorable C.L. "Butch" Otter, PO Box 83720, Boise, ID 83720-0003
Honorable Jim Risch, 350 North 9th Street, Suite 302, Boise, ID 83702-5470
Honorable Mike Simpson, 802 W. Bannock Street, Suite 600, Boise, ID 83702-5843
Ted Howard, Cultural Resources Director, Shoshone-Paiute Tribes, PO Box 219, Owyhee, NV 89832
Idaho Air & Army National Guard, 4040 West Guard Street, Boise, ID 83705-5004
Idaho Cattle Association, PO Box 15397, Boise, ID 83715-5397
Idaho Conservation League, PO Box 844, Boise, ID 83701-0844
Idaho Department of Agriculture, PO Box 790, Boise, ID 83701-0790
Idaho Department of Fish & Game, 3101 South Powerline Road, Nampa, ID 83686-8520
Idaho Department of Lands, 8355 W. State Street, Boise, ID 83714-6071
Idaho Department of Parks & Recreation, PO Box 83720, Boise, ID 83720-0003
Idaho Farm Bureau Federation, 500 W. Washington, Boise, ID 83702-5965
Idaho Grazing Board, Attn: Stan Boyd, PO Box 2596, Boise, ID 83701-2596
Idaho State Historic Preservation, 210 W. Main Street, Boise, ID 83702-7264
Idaho Wildlife Federation, PO Box 6426, Boise, ID 83707-6426
Dennis & Debra Joost, 1316 S. Pine Featherville Road, Mountain Home, ID 83647-8719
Charles Lyons, 11408 E. Highway 20, Mountain Home, ID 83647-5316
Jerry McAdams, 333 N. Mark Stall Place, Boise, ID 83704
Joe Merrick, 27632 River Road, Bruneau, ID 83650
Mountain Home Air Force Base, 336th Gunfighter Avenue, Mountain Home AFB, ID 83648
The Nature Conservancy, 950 West Bannock, Suite 210, Boise, ID 83702-6093
Nez Perce Tribes, Tribal Chairman, PO Box 365, Lapwai, ID 83540-0365
Richard Raymondi, 5670 N. Collister Drive, Boise, ID 83703-3826

Tina Reay, 78 Stone Lane, Horseshoe Bend, ID 83629-9006
Resolution Advocates, C/O Doug McConnaughey, 405 Creekside Place, Nampa, ID 83686-8133
Dr. Neil Rimbey, 1904 E. Chicago Suite A & B, Caldwell, ID 83605-5599
Shoshone-Bannock Tribes, Tribal Chairman, PO Box 306, Fort Hall, ID 83203-0306
Shoshone-Paiute Tribes, Tribal Chairman, PO Box 219, Owyhee, NV 89832-0219
Sierra Club, Middle Snake Group, PO Box 552, Boise, ID 83701-0552
Karen Steenhof, 18109 Briar Creek Road, Murphy, ID 83650-5006
Arthur Talsma, 10400 Duck Lane, Nampa, ID 83686
Tree Top Ranches LP, PO Box 8126, Boise, ID 83707-8126
US Fish and Wildlife Service, 1387 S. Vinnell Way, Boise, ID 83709-1657
Western Watersheds Project, PO Box 2863, Boise, ID 83701-2863
The Wilderness Society, 950 W. Bannock Street Suite 605, Boise, ID 83702-6106
Wildlands Defense, Attn: Katie Fite, PO Box 125, Boise, ID 83701-0125
Wool Growers Association, Attn: Stan Boyd, 802 W. Bannock Street Suite 205, Boise, ID 83702-5839

Map 1. Hammett #6 Allotment (01038)



U.S. Department of the Interior
Bureau of Land Management, Idaho
Boise District, Four Rivers Field Office
Map date: May 26, 2014

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For help with its data or information, please contact the BLM Idaho State Office webmaster at (208) 373-4000.

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Protest Responses

Western Watersheds Project Bennett Mountain North Protest Points and Responses

1. *Need for an EIS.* The BLM followed guidance in the BLM National Environmental Policy Act (NEPA) Handbook (H-1790-1) in developing this process. The proposed actions do not automatically warrant an EIS; therefore, and environmental assessment (EA) was completed and a finding of no significant impacts was made. An EA meets the NEPA requirement of a "hard look."

2. *Lack of rancher accountability.* This allotment was not meeting standards; therefore, my Final Decision implements a grazing system and reduction in use that will make significant progress toward meeting Standards.

3. *Lack of measurable standards of use for upland and riparian areas.* Objectives were not provided for allotments that were meeting Standards. Areas that are meeting or making significant progress toward meeting will provide for the resources you mention. FLPMA does not require BLM to include use criteria as terms and conditions. Because I could not be certain of BLM's organizational capacity to regularly measure use criteria, I have chosen to meet/make significant progress towards Standards by reducing AUMs, modifying the season of use, and requiring grazing schedules.

4. *Need for full and detailed analysis of sensitive species.* The BLM used representative species (greater sage-grouse, riparian birds, raptors, and redband trout) to address habitat conditions and grazing impacts to sensitive species (EA Sections 3.3, 3.5, and 3.6). Cumulative impacts sections addressed impacts from livestock grazing, rangeland management projects, trailing, road construction and right-of-way maintenance, wildfires, emergency stabilization and rehabilitation projects, OHV use, proposed energy infrastructure projects, and proposed fuels projects throughout the Bennett Mountain Management Area or appropriate cumulative impact analysis area.

5. *Lack of clarity on how allotments will be grazed.* My Final Decision provides mandatory terms and conditions that set timing of use. Allotment specific terms and conditions indicate specific guidelines for the grazing system. While some flexibility is provided for livestock numbers, it is not provided for period of use or AUMs.

6. *Lack of measurable standards.* See response to #3.

7. *Failure to adequately address complexity of issues associated with State and private lands.* The cumulative effects analyses addressed known actions on State and private lands.

8. *Improper stocking rates and use of suspension rather than permanent reductions.* Where allotments were not meeting standards, grazing systems and (in most cases) stocking rate adjustments were made to ensure significant progress will be made toward meeting standards. Reduced AUMs will not be put into Suspended Use. Projects considered for implementation were limited to maintaining existing projects or those that met the purpose and need.

9. *Biased and arbitrary FRH process.* Livestock were identified as significant contributing factors where Standards were not being met. Wildfire was considered a contributing factor for shrub cover loss.

10. *Failure to adequately address exotic annuals and noxious weeds.* Each allotment assessment, evaluation, and determination discusses the role of grazing and wildfire in the current distribution of exotic annuals. Presence of noxious weeds was also indicated. The EA indicates the current extent of exotic annuals and noxious weeds in the Upland Vegetation and Noxious Weeds affected environment sections (3.2.1 and 3.4.1). Maps are provided indicating fire history and distribution of exotic annuals and noxious weeds (maps 6a, 6b, and 8). Analyses for each of the alternatives address how invasives and noxious weeds will respond to livestock grazing (or its absence), wildfires, and their combined interaction. My Final Decision implements a grazing system that will maintain or improve rangeland health conditions which should help limit the establishment and expansion of invasive and noxious species.

11. *Failure to consider alternative actions proposed by WWP.* The BLM fully considered and analyzed a no grazing alternative (Alternative A). The BLM also considered periodic rest, but not exclusive, dormant season use in alternatives C and D.

12. *Lack of a basis for determining carrying capacity, stocking rate, capability, suitability, and production.* Proposed stocking rates were based on a variety of factors including current resource conditions (assessments, key species trends), conformance with standards and guidelines (evaluations and determinations), known site productivity (NRCS site guides as influenced by current conditions), actual use reports, and stocking rates on State lands. Capability and suitability are required by USFS, but not BLM guidance. The EA analyses describe impacts to a variety of resources. These analyses informed the development of my Final Decision.

13. *Failure to provide the 9/10/04 decision that implemented the CCAA for slickspot peppergrass.* The 2004 decision related to slickspot peppergrass was not considered in this permit renewal process because slickspots are not present in the Hammett #6 Allotment. The current terms and conditions (Section 2.3.2 and Appendices 6.2 and 6.3) summarize the decisions relied upon for the alternative and development analyses. The 2014 assessments and evaluations provide current monitoring and conditions for the allotment.

14. *Confusing, uncertain wording and provisions of the decisions.* The referenced language was meant to indicate that the footnoted existing permits include allotments that are not being addressed in this EA. They will be addressed in a subsequent EA. New permits, with allotment specific terms and conditions, will be issued for the allotments considered in this EA. The terms and conditions for the allotments not considered in this EA will remain unchanged until those permits are fully processed.

15. *The BLM relied on deficient, biased, and outdated assessments.* The 2014 assessments reflected trend data analyses (1988 - 2011 data) and 2009-14 site visits to observe condition changes from 2004 observations. These data and observations are presented in the assessments. Based on the analyses and observations, determinations were modified from the 2012 scoping

document to indicate livestock were a factor in not meeting standards (Hammett #6) or to correctly identify where standards were not being met (e.g., Sackrider Spring is in North Camas Allotment, not Hammett #7 Allotment). Sage-grouse habitat was assessed based on known and modeled distributions (IDFG telemetry date), historic and active leks, and two habitat classifications (habitat mapping based [key, R1, and R2] and population/habitat based [preliminary priority and general]). Approximately 37,600 acres (74% of public lands in the 12 allotments and all public lands in the Hammett #6 Allotment) were considered sage-grouse habitat. The assessments and EA address conditions and impacts on sage-grouse habitat and shrub-steppe habitat outside identified sage-grouse habitat. Assessments, evaluations, and determinations were developed using an interdisciplinary team approach that addressed potential individual biases. Additional monitoring sites were established in 2014 using a stratified random approach in allotments not meeting standards.

16. *Ability of BLM to monitor at five-year period as described in Appendix 7.* Among other reasons, because current funding and staffing levels cannot be assured, the BLM selected Alternative D for the Hammett #6 Allotment, relying on a rest/rotation system, rather than periodic critical growing period rest and monitoring (Alternative C), to ensure significant progress toward meeting Standards.

17. *Lack of substantial AUM reductions.* Alternative C does maintain the current active use for the Hammett #6 Allotment (EA Table 5). Alternative D represents a 16-56% annual reduction depending on the year for the Hammett #6 Allotment (EA Table 7). Beyond the no grazing alternative, AUM reductions were not considered for allotments meeting standards. See response to #12 for capability, suitability, and stocking rate issues.

18. *Lack of a reasonable range of alternatives and measurable "standards" for allotments BLM considers are meeting standards.* The BLM analyzed four alternatives including No Grazing (Alternative A) and analyzed their potential impacts for 12 issues identified during scoping related to eight broad resource groups. Cumulative impacts were discussed for all resources where more than negligible direct or indirect impacts were identified. The BLM identifies what factors were responsible for meeting or not meeting Standards (e.g., use period, stocking rate, and resiliency). The BLM applied measurable "standards" (Adaptive Management Monitoring Plan) to these allotments because they were not meeting Standards.

19. *Inadequately addressing impacts of holistic grazing (Hammett #6).* The Assessment, Determination, and EA clearly describe vegetation conditions and trends and associated causal factors for the Hammett #6 Allotment. The Final Decision addresses those concerns in a way that will make significant progress toward meeting Standards.

20. *Relationship between public and private lands grazing*. Exchange of use agreements (EOU) are issued to applicants other than the authorized permittee in an allotment and are based on private lands or State leases the applicant controls. The percent public land will be adjusted in these allotments to reflect private and State lands controlled by the permittee as described above (Notes on Protest Meeting Issues). Private lands at a greater stocking rate than adjacent BLM-administered lands are typically associated with more productive areas (e.g., wet meadows) that livestock will be attracted to. Private lands in the Hammett #6 Allotment are not substantially

different than BLM-administered lands. The EA describes impacts to various resources in concentrated use areas.

21. *Providing flexibility in livestock numbers.* Although the example is for Double Anchor FFR which is not being considered in this EA, several proposed decisions do provide for flexibility in livestock numbers and the EA addresses potential impacts in the Maximum Livestock Numbers sections. This allotment will be addressed in the Bennett Mountain South permit renewal process.

22. *Annual use in the SW Alkali Allotment.* See response to #21.

23. *Fall use should not be allowed in the SW Alkali Allotment.* This allotment will be addressed in a subsequent EA.

24. *BLM does not provide use criteria (e.g., bank trampling, stubble height, and browse utilization) in proposed decisions.* Objectives were not placed on streams that were in proper functioning condition (PFC) because they were not accessible to livestock. The BLM did provide objectives that included utilization levels (40-50% for perennial grasses), stubble height (4"), streambank alteration ($\leq$15%), willow browse use ($\leq$20% annually), riparian/wetland vegetation recovery, fine sediments, and vegetative shade (Appendix 7) for allotments that were not meeting standards and livestock were a significant factor. However, because I could not be certain of BLM's organizational capacity to regularly measure use criteria, I have chosen to meet/make significant progress towards Standards by reducing AUMs, modifying the season of use, and requiring grazing schedules.

25. *Concern about the accuracy of actual use reports (AUR).* Actual use between 1997 and 2013 is reported in the Assessment documents. Use above permitted levels was not reported during that period. Depending on the permittee, some AURs are completed by pasture (e.g., Hammett #6).

26. *Location and maintenance of exclosures and other fencing, their efficacy, and use for informing management.* Currently, the only fenced exclosures are associated with Dive Creek (Hammett #6) and Bullet Spring (Hammett #1). Exclosures are maintained annually by an IDFG/BLM contractor. Topographic features (e.g., rimrock or steep areas) naturally limited or precluded livestock use from some areas. Areas substantially unaffected by livestock use were used to determine departures from reference conditions for rangeland health indicators. No exotic grasses were seeded in the Hammett #6 Allotment.

27. *Failure to address and provide for special status species habitat needs, specifically sage-grouse*. Greater sage-grouse (and other special status wildlife species) habitat requirements for different life-history use periods were described in the EA (Section 3.6.1). The impacts of different alternatives, including not grazing, were described in Sections 3.6.2 and 3.6.3.

28. *Failure of the assessments, evaluations, and determinations to represent conditions.* See response to #15.

29. *Failure to adequately map, identify, and quantify exotic annual species.* Also see response to #10. Exotic annual species were monitored at trend sites (see graphs in assessments) and were identified in rangeland health field assessments (see indicator #16-Invasive Plants in native plant community rangeland health indicators in Standard 4 assessments). The assessments provide baseline data and analyses of exotic annuals. The Final Decision will maintain or improve native perennial vegetative cover which will limit establishment or expansion of invasive annuals. Non-grazing related measures to address invasive annuals will be addressed in a separate NEPA analysis.

30. *Livestock use overlap and impacts during critical wildlife nesting and rearing periods*. See response to #27.

31. *Adequate baseline surveys of sensitive species*. Where actual population survey data were not available, the EA assumed that special status species were present in habitats that typically support them and analyzed impacts accordingly. Rangeland health assessments and other data were used to describe habitat quality (reported in individual allotment assessment documents and summarized in EA Sections 3.2, 3.5, and 3.6.

32. *Failure to ensure non-impairment of WSA values.* There are no WSA lands in the Hammett #6 Allotment.

David E. Owen, Jr Bennett Mountain North Protest Points and Responses

1. *BLM did not fully consult or make a reasonable attempt to consult with me. BLM did not engage in consultation, cooperation and coordination with me as required by 43 CFR § 4130.3-3. Then Section 4110.3-3(b) goes on to further describe "reasonable attempt to consult..." BLM claimed on page 11 of the EA (DOI-BLM-ID-B010-2011-0021-EA) that they held meetings with all the permittees between January 25, 2011 and March 31, 2011. That was the extent of your consultation and therefore, you violated your grazing regulations Section 4110.3-3(a) that requires consultation, cooperation, and coordination with the affected parties prior to making a decision. BLMs claim of two meetings three years ago does not constitute consultation as is required. Then BLM claimed on page 17 they worked with me to develop applications. BLM did not.* The consultation, cooperation, and coordination process was initiated when the permittee was provided with an assessment, evaluation, and unsigned determination of the allotment in 2010. Staff met with Mr. Owen on March 24, 2010 to discuss the documents. The 2011 meetings were used to develop and clarify the permittee's application. The EA should have also identified that BLM staff met with Mr. Owen and others on May 8, 2012 to discuss issues and further clarify his proposal. Adaptive management was discussed during the meeting. Staff also discussed and clarified the permittee application over the phone during the development of the EA. The field manager and assistant field manager toured the allotment with the permittee in 2012 and discussed management issues. Protest meetings were also held July 9, 2014, August 6, 2014, October 8, 2014, and May 6, 2015.

2. *BLMs scoping package was issued on April 2, 2012. Prior to the recent proposed decision, that was the only other communication on this matter and cannot be considered consultation with the affected parties prior to making a decision.* See response to #1, consultation and coordination occurred prior to and after the scoping document was received.

3. *Page 2 of the EA states that Standard 1 and 4 were not being met due to other factors reasons (fire). The finding was modified based on data collection and staff discussions. However on page 1 BLM indicates no data was collected after 2011. In fact on page 1 the Rangeland Health Assessments (RHA) were in 2004, soon after the 2000 Oregon Trail fire. That was ten years ago and approximately half the time that I have had the permit and there is no mention of ensuring they were updated or corrected to address current conditions and the extent of my operation.* Long-term trend data were collected in 1990, 2004, and 2011, but the 2011 data were not analyzed until fall 2013 and incorporated into the final assessment documents in 2014. The results were reported in the 2014 Hammett #6 Allotment Assessment document. Three of the four trend sites are located outside of areas affected by fires in 2000, 2011, and 2012. These plots accurately reflect vegetation responses to grazing in the absence of fire.

4. *As stated in your proposed decision, the proposed decision reflects trend monitoring up to 2011, an assessment in 2004 and a RHA in 2014. The RHA provided was dated May 2014. As stated in item 3 above, your analysis based on old or not current data and now you plan to make another decision in five years. You erred in using the data without indicating its limitations.* Trend plots are typically read at 4-5 year intervals; therefore, 2011 data can be considered current. These data are used to update and verify the conditions described in the 2004 field assessments. My Final Decision implements Alternative D for the Hammett #6 Allotment, which does not depend on monitoring to ensure significant progress toward meeting Standards.

5. *The Evaluation Report also dated May 2014. That evaluation for Standard 1 makes the statement that increasing fire is the cause for not being met. However, the EA on page 2 states that statement was modified. Where and what happened and what supports that conclusion?* Wildfires contribute to the Standard not being met, but are not the only factor. The Standard 1 evaluation indicates that one of four trend sites burned in 2000 and cover was recovering in 2011. However, three trend sites did not burn during the sampling period. While persistent vegetation cover was static (two plots) to increasing (one plot) and bareground was static (two plots) to decreasing (one plot), frequencies of perennial grasses were static or decreasing and cheatgrass frequencies were increasing. The evaluation indicates that increased cheatgrass makes the sites more susceptible to wildfire. Wildfire removal of shrubs does contribute to reduced watershed stability. However, if adequate perennial grasses (especially mid- and tall-stature grasses) are not present to protect watersheds, then burned areas will be susceptible to erosion until shrubs become re-established. Where exotic annual grasses replace mid- and tall-stature perennial grasses, post-fire problems increase.

6. *The Evaluation Report for Standard 4 makes the statement that reduced fire return intervals is the cause for not being met. However, the EA on page 2 states that statement was modified. Where and what happened and what supports that conclusion?* See response to #5. A shorter fire interval is one factor; however, ultimately what species are present will affect vegetation responses to fire. Areas in good ecological condition (tall- and mid-stature perennial grasses are present in expected amounts) can recover after a wildfire, whereas areas in poor or fair ecological condition (tall- and mid-stature perennial grasses are reduced or absent) will be more susceptible to increases in invasive annuals and a reduced fire return interval.

7. *The Evaluation Report for Standard 8 makes the statement that the loss of native plant diversity and corresponding increase in invasive uplands is the cause. I believe that is also directly related to fires and that was not mentioned. It needs to be documented.* The assessment and evaluation both discuss the role of fire in removing shrub cover in sage-grouse habitat. However, the loss of tall- and mid-stature perennial grasses is not directly related to wildfire. At lower elevations, these species were reduced or missing in 2004 field assessments and at trend plots, prior to wildfires. Mountain big and low sagebrush frequencies were static or declining at unburned trend plots.

8. *BLM indicated on page 11 of the EA that TNR will not be considered. The rationale was a concern of heavy utilization or above normal. That is in error. Utilization should be the same but with an increase in product ion of forage; use can be higher without increased utilization. That option needs to remain as a management alternative into the future, especially to reduce fuel loads of annual grasses and not removed as you have done.* My Final Decision does provide some flexibility to address exotic annual grasses. However, native perennial grasses are generally more palatable to livestock, especially when exotic annuals are dormant. TNR was not considered in detail for the reasons provided in EA Section 2.2.1 (pg. 11). The BLM will be considering a TNR component in the Bennett Mountain South area where exotic annuals are more prevalent, sage-grouse are not a factor, and dormant season use is more prevalent.

9. *When looking at Table 4 and 7 you went from 76 to 82% public lands. Why are they different? This needs to be accurate.* Table 4 represents what is currently on your permit. Table 7 represents an appropriate %PL based on lands you controlled at that time. The %PL in my Final Decision represents your desire to have 100% PL on the mandatory term and condition.

10. *Page 21 of the EA discusses effectiveness objectives and after five years BLM may reduce my use. There is no discussion of how this would be consulted with me, data to be used or a decision be made. Five years is a short timeframe for the desert and I want to be insured I have due process at that time. It appears as written that the only protest and appeal of that potential future decision is at this time. The process needs to be completely spelled out or removed because Section 4110.3 already directs BLM to make adjustments following Subpart 4180 when BLM has supporting documentation.* My Final Decision implements Alternative D for the Hammett #6 Allotment.

11. *Page 26 of the EA indicates if you implement item 10 above I will have my active use reduced by 16-56%. That is significant to me and my operation. I believe you have erred in such a serious response when you review the Evaluation Report and the causes which is primarily fire and the BLM responses to fire suppression and rehabilitation over the decades.* The Determination Document indicates that current livestock use is a significant factor in failing to achieve the Standards or conform to the Guidelines. Consistent spring use that does not provide periodic rest (Guideline 4) is the primary issue. Fire is a secondary issue discussed under other factors. Where livestock use is determined to be a significant factor, the BLM is required to adjust grazing permits to make significant progress toward meeting Standards. The Proposed Decision recognized that progress could be made by implementing Alternative C; however, there was uncertainty that the progress would be significant thus the inclusion of the Adaptive Management component. Because of the uncertainty on whether progress would occur and

BLM's ability to monitor it, the Final Decision implements Alternative D to ensure significant progress is made toward meeting all Standards.

12. *Table 8 on page 28 indicated 6.8 acres/AUM for both Alternative C and D. However it appears the numbers for Alternative D should be 8.03-15.25 if you implement your proposed reductions in five years.* Acre/AUM calculations are based on acres available for grazing at a particular point in time and do not include rested pastures. Over the six-year rotation, the stocking rate would vary from 6.7 to 6.8 acres/AUM. The stocking rate was kept constant because the analyses indicated periodic rest would help improve conditions by providing for plant physiological needs.

13. *On page 31 of your EA you indicate that stocking rates above 8 acres/AUM are low. I believe you have erred after you review the Evaluation Report where you are proposing to go to low on this allotment, when I believe I am already at light utilization levels.* The Alternative D stocking rate would remain at essentially the same level as alternatives B and C. It does not take into account slope or distance to available water, which in some pastures would likely result in higher stocking rate.

14. *BLMs Determination Report signed May 27, 2014 indicated that Standard 1 and 4 are not being met and that current livestock grazing management practices are a significant factor. However, your Evaluation Report does not support this document. The rationale for both of those standards are silent of the concerns of the current livestock grazing management practices.* Per guidance (Idaho's 2009 Livestock Grazing Permit Renewal Desk Guide), the assessment compares current conditions to the land health standards using available information, the evaluation is the analysis that states whether or not the current conditions are meeting Standards, and the determination identifies the "causal factors" that led to not meeting the standards. The assessment document provides background information on how livestock have used the allotment since 1997. The evaluation is purposefully silent on causes related to livestock use.

15. *Page 36 of the EA addresses utilization levels. However, our review of the EA provides no concerns of current utilization levels. Historic and current utilization levels are an important factor and should have been displayed and addressed in this analysis.* Utilization was only conducted in 2006 following two years of above average precipitation. Average use was 22-34% depending on species (Assessment Document page 4). The utilization levels discussed in the EA provide broad guidelines, based on research, on how plants respond to different use levels. Average utilization indicates a midpoint of a range; therefore, some areas likely receive moderate or heavy use whereas others receive slight use. Areas consistently used above 40% could adversely affect perennial grasses, especially where no rest is provided. Utilization is one type of data that can be collected to help inform a decision, but it is not the only type used.

16. *Page 44 of the EA BLM indicates the concerns of maximum numbers and increased use of concentrated areas. However, I believe you had erred here also and misrepresented the issue. I believe 500 cattle for one month or 250 cattle for two months will have similar impacts or hooves on the ground.* Current use allows 563 head, Alternative C analyzed a maximum of 550 head, and the Proposed Decision allowed for up to 500 head (an 11% reduction from current numbers). Livestock numbers was one of the factors the EA identified as a possible impact on

watersheds. The EA (Magnitude of Effects, page 36) describes the impacts higher intensity, shorter duration grazing (higher numbers for a shorter period of time) would have on vegetation and, therefore, watershed protection. The timing of when the impacts occur, the vegetation conditions of the area affected, and the regularity with which it happens are all factors considered. My Final Decision sets the maximum number at 255 head.

17. *Page 47 of the EA indicates past and present ESR treatments and other issues. It should also address lack of ESR treatments completely or successfully and the fire suppression tactics leading to larger burned areas and the lack of BLM restoring annual grass infestations in a timely manner over the decades. Without BLM taking an active role in fuel reduction and annual grass invasions, the current conditions will deteriorate with fire over my grazing.* Fire suppression tactics depend on a variety of factors including vegetation conditions, fire behavior, weather, and available resources. The decision of whether or not to conduct ESR treatments is based on a variety of factors including soil/water stabilization, invasive plants and weeds, habitat for special status species, and the likelihood of areas recovering naturally, as well as the likelihood of success. Areas where annual grasses dominated prior to a wildfire are often not considered high priorities for treatment. ESR treatments cannot be used to restore burned areas to improve conditions beyond pre-fire conditions. Very limited funding is available for habitat restoration projects.

18. *Page 48 of the EA indicates naturally recovering areas are susceptible to wind and water erosion. I believe my cattle are being blamed for these issues you identified.* Where naturally recovering areas are closed to livestock grazing until vegetation recovery objectives are met, as occurred after the Oregon Trail, Hot Tea, and Stout fires in the Hammett #6 Allotment, current livestock use would not be considered a direct factor in causing erosion. Instead, the lack of adequate vegetative cover caused by a wildfire is the primary problem. However, watersheds are more susceptible to post-wildfire erosion where livestock grazing has reduced tall- and mid-stature perennial grasses.

19. *The Paradigm Project is an admirable proposal. However, by the time this proposal is ever approved, it will be too late. I believe between the approval and then funding to implement it, that at least 10-15 years will have passed and that should be fully addressed here.* Cumulative impacts address reasonably foreseeable future actions. The BLM has completed the NEPA analysis associated with the project, has signed a decision, and anticipates implementing it within two years. Implementation will be dependent on available funding; however, the BLM cannot speculate on availability at this time.

20. *I believe after reading the cumulative impact section on page 52 of the EA that Alternative C is just as good as Alternative D. BLM indicates it would be faster with D, but that is not a requirement. I believe there is no rationale for your decision to include the five year review and potential implementation of Alternative D.* The cumulative impacts section addresses whether or not the impacts from the proposed actions would significantly add to similar impacts from other actions. If that were to happen, then an environmental impact statement would need to be conducted to select the alternative. Because none of the alternatives analyzed would significantly add to impacts from other actions, the selection of a proposed decision was based on the direct and indirect impacts described for the alternatives. Where livestock are considered

a significant factor in not meeting standards, the BLM is required to modify grazing so that significant progress can be made toward meeting standards. Because of the uncertainty associated with Alternative C, I selected Alternative D for my Final Decision.

21. *The trend studies as addressed on pages 59 and 60 support my concerns that livestock are not a significant issue.* The one site that burned and is recovering is at a higher elevation, more resilient site (EA Sections 3.2.1 and 3.2.2.1). The remaining sites have not burned and perennial grass and shrub trends are static or downward; therefore, trend at these sites was not affected by wildfire.

22. *Page 63 you address annual vegetation and use levels. You decided to not allow TNR and then here you state that a little change to annual vegetation would be anticipated regardless of use. I believe this situation needs to be addressed in terms of fuel reduction and TNR.* The discussion describes impacts to annual species in general. Because of their growth and reproductive strategies, they are less susceptible to grazing impacts than perennial species. It also addresses the efficacy of livestock grazing as a tool to reduce the frequency of exotic annuals. The presence of cheatgrass does make an area more susceptible to wildfire. The Pony Fire demonstrated that heavy utilization was not effective in altering fire behavior or spread. My Final Decision does provide flexibility for grazing in exotic annual dominated areas.

23. *On page 69 on Table 16 you left the Adjusted Management blocks blank. I believe you erred in your implementation of this. I believe through consultation my allotment should be included with the Adjusted Management protocol versus your proposed Alternative D.* Adjusted management referred to voluntary changes permittees made in use levels (AUMs) and systems (e.g., implementing a deferred grazing system). These changes were within the permitted use, but represented a change from historic use that could have benefitted vegetation resources. With the exception of fire closures, your annual billing and/or actual use reports did not indicate any substantial changes in livestock management from those identified in your permit (i.e., average actual use was 830 AUMs for years when actual use reports were provided). The Final Decision does provide for annual coordination meetings to determine appropriate livestock use and management adjustments.

24. *I believe after reading the cumulative impact section on page 86 of the EA that Alternative C is just as good as Alternative D. BLM indicates it would be faster with D, but that is not a requirement. I believe there is no rationale for your decision to include the five year review and potential implementation of Alternative D.* See response to #20.

25. *Pages 115 and 116 of the EA BLM indicates the concerns of maximum numbers and increased use of concentrated areas. However, I believe you had erred here also and misrepresented the issue. Again, I believe 500 cattle for one month or 250 cattle for two months will have similar impacts or hooves on the ground.* The streams and springs were rated in PFC and would be expected to remain that way regardless of the alternative selected. The maximum number of livestock allowed in Alternative D (255) would be substantially below current numbers (563); therefore, riparian and wetland impacts from maximum numbers would not be a factor in the Hammett #6 Allotment as stated on page 117.

26. *On page 21 of the EA you mention that no grazing would occur during soft boot to seed dissemination for certain years. Then in Appendix 9 you address the dates of the different phonological stages and there is no mention of soft boot and there are two descriptions of seed dissemination. You need to ensure we both know BLMs definitions so we can address this issue when we consult and you can correct your document. For long-term management specific dates would be most useful.* The "Heads Showing" in Appendix 9 corresponds to the soft boot stage. The "Seeds Disseminating" in Appendix 9 corresponds to the seed dissemination discussed on page 21. These dates are based on studies conducted in the general area, but are only broadly representative of what actually occurs in a given year at a given location. Because of annual variations in the timing of these events, specific dates would not likely be effective unless they addressed the possible extremes for these events. Annual observations by the permittee should be more accurate than specific dates.